

1 STATUS OF THE CLAIMS

2 The present application was originally filed with claims 1 through 15. Claims 1 through
3 3 and 6 through 8 were amended in the paper filed in response to the Office Action of February
4 3, 2005. Claims 1 through 15, as amended, remain pending in the case.

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6 THE CLAIMS ARE NOT OBVIOUS OVER THE BINGOMANIA REFERENCE IN VIEW OF
7 SOLTESZ

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9 The Examiner rejected claims 1 through 15 under 35 U.S.C. §103(a) as being
10 unpatentable over the publication from the website www.bingomania.net as reproduced from the
11 Internet archive site entitled the "Wayback Machine" ("Bingomania/Wayback" or the
12 "Bingomania/Wayback reference") in view of U.S. Patent No. 5,830,069 to Soltesz et al.
13 ("Soltesz" or the "Soltesz patent"). The Applicants respectfully submit that there is no showing
14 in the record that the Bingomania/Wayback reference qualifies as prior art for purposes of a
15 section 103 rejection. Additionally, the Applicants traverse the section 103 rejection on the
16 ground that the remaining prior art reference, the Soltesz reference, does not teach or suggest
17 each limitation required in the claims.

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19 The Bingomania/Wayback Reference Does Not Include a Publication Date Before the Effective
20 Filing Date of the Present Application

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22 Regarding electronic publications as prior art, MPEP §2128 states, "Prior art disclosure
23 on the Internet or on an on-line database are considered to be publicly available as of the date the
24 item was publicly posted. If the publication does not include a publication date (or retrieval
25 date), it cannot be relied upon as prior art under 35 U.S.C. 102 (a) or (b), although it may be

1 relied upon to provide evidence regarding the state of the art.” The Final Office Action at the
2 bottom of page 4 asserts that the Bingomania/Wayback reference was published and available to
3 the public on April 21, 1999, based on a URL printed at the bottom of the first webpage of the
4 Bingomania/Wayback reference. However, the date included in this URL does not in fact
5 represent the date on which the webpages associated with Bingomania/Wayback reference were
6 actually published and made available to the public. This URL date merely indicates a time
7 when the “Wayback Machine” archiving system purports to have archived the Bingomania
8 website. (See p. 7 of the reference <http://www.archive.org/about/faqs.php> cited in the Final
9 Office Action) Therefore, the date embedded in the URL associated with the webpages of the
10 Bingomania/Wayback reference is not a publication date/retrieval date for purposes of
11 determining whether the webpages are prior art. The only clear date that may be considered a
12 publication/retrieval date for the Bingomania/Wayback reference under MPEP §2128 is January
13 14, 2005, which is the date the webpages associated with the Bingomania/Wayback reference
14 were retrieved from the archive. Considering that the January 14, 2005 publication/retrieval date
15 for the Bingomania/Wayback reference is after the effective filing date of the present application
16 of December 20, 2001, the Applicants submit that the Bingomania/Wayback reference may not
17 be used under 35 U.S.C. §103(a) to reject the claims of this case.

18 If the application of the Bingomania/Wayback reference as prior art in rejecting claims 1-
19 15 under 35 U.S.C. §103(a) is maintained, the Applicants request a citation of authority to
20 support the use of the reference.
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1 The Claims Are Not Obvious in View of the Soltesz Patent

2 Since the Bingomania/Wayback reference cannot be used as prior art in rejecting claims 1
3 through 15, the only remaining reference of record is Soltesz. As discussed below, the Soltesz
4 reference does not teach or suggest each and every element of independent claim 1. Therefore,
5 the Soltesz reference does not render claim 1 unpatentable under 35 U.S.C. §102 or 35 U.S.C.
6 §103.

7 In particular, claim 1 is directed to a gaming system for conducting bingo-type games and
8 requires the following limitations:

- 9 (a) a back office system including a data storage device for storing a number of bingo
10 card representations and for storing a designation set for matching to at least one
11 of the bingo card representations;
12 (b) a player station including a player station display, the player station being in
13 communication with the back office system for receiving at least a result
14 associated with at least one bingo card representation;
15 (c) a user interface device included with the player station for enabling a player using
16 the player station to enter an automatic daub input; and
17 (d) an automatic daub control for automatically daubing the at least one bingo card
18 representation in response to the automatic daub input.
19

20 Soltesz discloses a central computer that controls bingo gaming activity at a number of
21 remote sites over a network. (col. 2, lines 1-13) Soltesz also discloses that players achieving
22 bingo may claim their bingo by pressing a virtual button on a player station display. (col. 3, lines
23 61-65) However, this "virtual button" input does not result in any card being daubed but merely
24 indicates to the system that the player has claimed a bingo. Therefore, the Soltesz patent does
25 not teach or suggest the user interface device included with a player station for enabling a player
26 using the player station to enter an automatic daub input as required by element (c) of claim 1. In
27 addition, the Soltesz patent also does not teach or suggest an automatic daub control, as required

1 by element (d) of claim 1, for automatically daubing the at least one bingo card representation in
2 response to the automatic daub input.

3 Because the Soltesz reference does not teach or suggest each and every element of claim
4 1 and since the Bingomania/Wayback reference is not valid prior art in this case, the Applicants'
5 submit that claim 1 is entitled to allowance together with its dependent claims, claims 2 through
6 6.

7
8 Independent Claims 6 and 11

9 Independent claims 6 and 11 require limitations similar to those of claim 1 regarding an
10 automatic daub input and an automatic daub control. Therefore, the arguments presented above
11 with respect to claim 1 apply with equal force to claims 6 and 11 along with their respective
12 dependent claims. For these reasons, the Applicants submit that claims 6 through 15 are also
13 entitled to allowance.